

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

DANA BURL,

Plaintiff,

v.

4:11-cv-02

SHERIFF STEVE GRAVES, et al.,

Defendants.

MEMORANDUM

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983. The defendants have filed a motion to dismiss for lack of prosecution based upon plaintiff's failure to inform the court of her current mailing address after her release from jail. In support of their motion, the defendants have submitted the affidavit of defense counsel who states that plaintiff was released from the Coffee County Jail on or about April 27, 2011; that letters sent to plaintiff have been returned undeliverable and unable to forward; and that plaintiff has not informed counsel or the court of her new mailing address. Copies of the returned envelopes are attached to counsel's affidavit. In addition, counsel has submitted a copy of the returned envelope indicating that plaintiff's copy of the motion of dismiss was sent to her at the Coffee County Jail and returned undelivered.

In the court's initial order, plaintiff was ordered to inform the court immediately of any address changes. Plaintiff was also advised that failure to provide a correct address within ten days following any change of address would result in the dismissal of this action. Accordingly, the defendants' motion to dismiss [Court File No. 17] will be **GRANTED** and this action will be **DISMISSED WITH PREJUDICE** for plaintiff's failure to prosecute and to comply with the orders of this court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). In addition to the above, the court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

AN APPROPRIATE ORDER WILL ENTER.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE